

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1, 2, 4 and 6-9 are pending and stand rejected. Claims 1 and 7 have been amended.

Claims 7 and 9 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has amended the claims to recite that the software applicant when loaded into a processing units executes the steps recited. No new matter has been added. Support for the amendment may be found at least in Figure 1.

Applicant submits the rejection of claims 7 and 9 has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1-2, 4 and 6-9 stand rejected under 35 USC 103(a) as being unpatentable over Grover (USP no. 5,818,437) in view of Roth (USPPA no. 2005/0038657).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has amended the independent claims to recite that the data inputs are received substantially simultaneously. Support for the amendment may be found at least on page 6, line 17-19.

The Office Action acknowledges that Grover fails to explicitly teach that the two input systems are independent from each other and refers to Roth for teaching a graphical user interface for recognition of user inputs similar to that of Grove. In addition, the Office Action refers to Grover [which is believed to be Roth] to teaching of unassociated input systems (users can switch between different modes of input, i.e., switching between speech recognition and keyboard input) (Roth: page 3, paragraph 0059 and page 23, paragraphs 0328-0329). However, both Grover and Roth teach systems wherein the second user input is used to select from a list of words that are proposed based on inputs from the first input device. Hence, Grover and Roth teach sequential input of data from the first and second devices.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met;

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;
2. there must be a reasonable expectation of success; and
3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

With regard to the invention as recited in claim 1, applicant respectfully submits that a *prima facie* case of obviousness has not been set forth as the combination of Grover and Roth fails to recite all the elements recited in the claims.

Notwithstanding the arguments above, applicant notes that the Roth reference (2005/0038657) is a continuation-in-part of serial no. 10/227,653, filed on September 6, 2002, which is a continuation-in-part of serial no. 10/302,053, filed on September 5, 2002, now abandoned. The '053 application is believed to claim the benefit of the earlier filing date of provisional application serial nos. 60/317,333; 60/317,433; 60/317,431; 60/317,329; 60/317,330; 60/317,331; 60/317,423; 60/317,422; 60/317,421; 60/317,430; 60/317,435; and 60/317,434 all filed on September 5, 2001.

Applicant notes that each of the provisional applications was filed before the filing date of the instant invention (December 14, 2001) and each of the utility applications were filed after the filing date of the instant invention. Hence, subject matter recited in the utility applications that is included in provisional applications is afforded the earlier filing date of the subject matter of the provisional applications, provided the disclosure of the invention in the provisional application is sufficient to comply with the requirements of the first paragraph of 35 USC 112.

The CIP applications, by the very nature of a CIP application, recite subject matter that is new and has been added to the respective application after the filing date of the instant application. Such new subject matter is, thus, not applicable to be cited against the

instant invention. Accordingly, only the subject matter recited in the '053 application, and which is common to the CIP applications, is applicable to be cited against the instant invention. However, such subject matter is only applicable to be cited against the instant application if such subject matter was disclosed in at least one of the provisional applications provided the disclosure of the invention is sufficient to comply with the requirements of the first paragraph of 35 USC 112.

If the subject matter of the Roth used to support the rejection of the claims is not found in any of the provisional applications, applicant submits that the referred-to Roth application is not appropriate to be cited in rejecting the claims in the instant application.

Applicant respectfully requests that copies of the provisional applications be provided and those sections which cite subject matter used to support the rejection of the claims in the instant application be specifically referenced and traced through the line of utility applications.

For the remarks made above, applicant submits that the rejection of the claim has been overcome and can no longer be sustained.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

The remaining independent claims are also allowable for the amendment made, which is similar to the amendment made with regard to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of these claims, and reasserted, as if in full, herein.

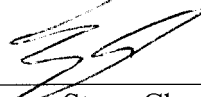
Applicant respectfully requests withdrawal of the rejection and allowance of the remaining independent claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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